

IMPORTANT CASE MARKS OPENING

FIRST HEARING IN THE NEW
QUARTERS OF THE FED-
ERAL COURT.

(From Thursday's Advertiser.)
Of no small importance, particularly as it may affect future legislation in congress, was the first case to come before the United States district court since it moved to its new quarters in the block adjoining the Japanese consulate, corner Fort street and Berea avenue. This case, which came up yesterday at two o'clock before Judge Charles P. Clemons, was the habeas corpus application of Sukeichi Tsuji, a Japanese, who was refused a landing here by Raymond C. Brown, inspector of immigration, because of a conviction for a crime involving moral turpitude.

Judge Clemons reserved his decision and intimated that if the attorneys—District Attorney R. W. Breckons for the United States and J. Lightfoot for the Japanese—wished to present any further authorities he would be pleased to consider them. He adjourned court until Saturday morning at ten o'clock, when it is expected he will hand down his decision.

Important Questions.

Attorney Lightfoot, for the petitioner, raised questions as to the jurisdiction of the court and whether the actual crime for which Sukeichi Tsuji was convicted here could be taken into consideration.

District Attorney Breckons, in his address, dwelt upon the great endeavors which Congress has made to enact laws which will keep out of the country persons convicted of the despicable offense to which the Japanese confessed when indicted some years ago. His remarks lead to the inference that the case will be carried to the United States Supreme Court, if necessary, and may lead to further amendment of the laws governing aliens who return to the United States after a visit to their native country.

Sukeichi Tsuji, who was in court in the custody of one of Inspector Brown's men, showed so little interest in the proceedings that he slept for part of the afternoon but the vigorous tones in which the district attorney spoke of him appeared to rouse him, though he probably did not understand what Mr. Breckons was saying. This was lucky for him as the district attorney placed him among a class "the most despicable on the face of the earth."

Do Acts Apply?

Attorney Lightfoot argued that the immigration acts do not apply to one who has been once admitted to the United States and has temporarily departed with the intention of returning. Therefore he maintained that his client could not be treated as an immigrant and as it was only immigrants to whom the "undesirable" clauses applied his client could not be placed as among the excluded class.

He stated that the petition for the writ of habeas corpus sets forth that the Japanese came to the Territory and was duly admitted in 1906 and thereupon established his domicile here. In 1910 he left on a visit to Japan with the intention of returning to his domicile, and arrived here in June last. He was prevented from landing and ordered deported. The reason for this action, as stated in a return presented to the court by Inspector Brown, was that the petitioner had been convicted of an offense involving moral turpitude, under section two of the immigration laws of July, 1907.

Jurisdiction Questioned.

"There are two questions involved in this case," said Mr. Lightfoot. "The first is as to the jurisdiction of the federal courts to entertain an application of this nature in habeas corpus when the requirements of the law have been complied with by the immigration authorities, the findings of those authorities being adverse to the immigrant and his deportation ordered, and no appeal having been taken to the secretary of commerce and labor, as provided by law."

"The second question is as to the right of an alien to land after he has once established his domicile in the United States, our contention being that when an alien has once established his domicile and has been lawfully admitted to the United States, that then he may leave the United States temporarily, providing he does not abandon his domicile and providing he leaves the United States with the intention of returning; that in such case he does not come within the provisions of the immigration laws and regulations of July, 1907, or any other immigration law. In other words he is, in effect, what is classified as a non-immigrant alien and therefore the provisions of section two of the act, excluding certain undesirable persons, including criminals, do not apply to him."

Non-Immigrant Alien.

"Our contention is brief, that by reason of the establishment of a domicile by the petitioner here, he is a non-immigrant alien and does not come within the excluding clause, in fact the immigration laws do not apply to him at all."

Attorney Lightfoot proceeded to quote authorities to sustain his contention. Judge Clemons informed him that he need not read that part of a decision of the District Court of Appeals of the Ninth Circuit regarding jurisdiction, thus intimating that the matter was a competent one for the court to deal with.

The attorney quoted statistical rule eight which says that alien residents returning from a temporary trip abroad shall be classed as non-immigrant aliens.

FORECLOSURE SUIT IS TO GO HIGHER

SUPREME COURT WILL PASS ON
DECISION BY JUDGE
ROBINSON.

Attorney Lorrie Andrews, on behalf of Jona Kasse Nahala, filed a notice of appeal yesterday from the judgment of Judge W. J. Robinson in the case of the Kipahulu Sugar Company versus his client. This was a suit for foreclosure in which the sugar company was represented by Thompson & Wilder and in which it obtained an order for a sale of fifty-three acres at Kipahulu, Maui, to secure payment of \$250 and interest to the amount of \$253.50, a total of \$503.50. The last payment of interest was made July, 1903. Judge Robinson found that failure to make payment entitled the sugar company to foreclosure. He decreed that the mortgaged premises be sold by public auction and appointed V. M. Harrison as commissioner to effect the sale.

Suicide's Estate.

A. D. Castro's petition to be appointed administrator of the estate of August P. C. Correa, who recently committed suicide, will be heard by Judge W. J. Robinson, August 28. Correa, who committed suicide after winning an automobile in the Honolulu Amusement Company's popularity contest, left only a small estate, of which the automobile is the largest item of value. In a petition of the widow, Johanna H. Correa, to have A. D. Castro appointed administrator, the value of the estate is given as \$242,227, consisting as follows: One automobile, \$1250; stocks, \$96; bank deposits, \$13,002; bills receivable, \$208.25; watch and fob, \$75; policy in Equitable Society of Insurance of Brazil, \$500.

Judge Robinson has set August 28 for the hearing of the petition for probate of the will of the late Maria Stuenkel.

Divorce Decree Set Aside.

Yesterday Judge Robinson granted the motion of Mary Aki to set aside the decree of divorce made in Frank Aki's suit against her. She filed an affidavit contradicting the affidavits of J. A. Magoon and Harold G. Spencer and further denying that summons served on her while she was in court to prosecute her divorce suit against Frank.

Suit Over Drygoods.

J. J. Byrne has started an action in the circuit court to recover \$127 and interest from William L. Welch. The claim is for drygoods supplied by the N. B. Sachs Company, which assigned the debt to Byrne. Judge Robinson yesterday issued an order for the attachment of a lot belonging to Welch in Palolo Valley, part of the lot of K. K. K. containing 15,000 square feet.

M. T. Simonson has been appointed guardian of Marcus R. Monsarrat, a minor by order of Judge W. J. Robinson.

Judge Robinson yesterday approved the decree as to the custody of Pauline and Thelma Hall, daughters of John W. Hall and Mrs. Wilhelmina B. Baker.

"If this rule has, as we claim it, force of law, then that disposes of the matter," he declared.

Intent of Congress.

District Attorney Breckons, in his argument for the government, said the decision in the former case which was appealed from here to the District Court of Appeals of the Ninth Circuit showed that the local court had jurisdiction in these matters.

He referred to the intent of congress in enacting the law of July, 1907, with the intention of dealing with such class of men as Sukeichi Tsuji confessed himself to be when indicted here in 1909.

He remarked that in 1907, when congress passed the act, there had been a great deal of discussion relative to the evils arising from the improper handling of women. It was not only a subject of discussion in congress but of diplomatic correspondence and negotiation, culminating in a treaty designed to see what could be done by the nations in concerted action. He told of the extreme care which was taken in drawing up the act and of amendments of 1910. One change, he said, carried out the idea "of keeping away from us a class the most despicable on the face of the earth."

Unlawfully Here.

Another amendment, he pointed out, provided that any alien of this despicable class, after he shall have entered the United States shall be deemed to be unlawfully here and shall be deported. He asked: "Did congress, in enacting this, say that it did not refer to an alien who had gone back home and intended to return? No. Perhaps because congress feared that some state lawyer like Mr. Lightfoot would argue that way, so it took the matter entirely out of the court's hands and said any alien who has been deported and attempts thereafter to return to the United States shall be deemed guilty of a misdemeanor and shall be imprisoned for not less than two years."

The district attorney remarked that congress says it does not matter how long a man has been in the United States if he has done the things and been engaged in the practices which Sukeichi Tsuji admitted he was engaged in in Honolulu in 1908-9, he belonged to a class we do not want and will pass back to the country from whence he came.

Attorney Lightfoot claimed that as the man had already been punished by three months imprisonment for the crime for which he was convicted he was entitled to believe that a closed episode. The state was clean and they had nothing more to do with that. He maintained that the matter of the special offense of the petitioner was not before the court. The sole question was as to whether the man was an alien immigrant. He contended the Japanese was a non-immigrant alien and as such was entitled to his discharge.

AIMS AND OBJECTS OF HILO'S NEW LABOR ORGANIZATION

Struggle Against the Special Interests Which
"Respect No Law, Either Civil,
Social or Moral."

A part of the objects of the Hilo Labor Union is to enter "the field of politics to struggle for the common people for equal rights, and to obtain some measure of equality from the special interests who respect no laws, either civil, social or moral."

Such is the statement of David Ewaliko, the chairman of the executive committee of the recently organized union of Hilo, which has called on its members to boycott the orientals as the first step in its struggle against the wicked interests for equal rights. The statement appears in a letter to the editor of the Hilo Tribune as an answer to recent comments in The Advertiser regarding the Hilo organization and its avowed objects. It is gathered from Mr. Ewaliko's letter that the special interests which have no respect for civil, social and moral law are those "represented" by The Advertiser. The Hilo organizer writes:

"Editor Hilo Tribune.—Allow me space in your columns to answer a certain article that was published in The Advertiser, under the heading: 'The Entering Wedge,' which was intended to misrepresent the facts upon which our labor movement is organized. In order to explain to the public of the intended movement of organized labor in this Territory, I have the following statement to make:

"As a matter of fact, the labor movement of this country and that of the world, has demonstrated to the world at large that it has built a fighting machine for the working class but that it seeks no encounter that it can avoid, and it willing to sail on and on in the peaceful waters of industry, simply giving warning to those opposed to it by the very strength of its men and women of toil that, though seeking peace with honor, it is unafraid. The labor movement is in its very make-up aggressive and progressive. There is not a wrong existing in our country under which the labor movement can rest until that wrong is righted, and rights to be attained, and a high state of civilization to be established."

"The labor conditions of the Territory of Hawaii at the present time are not such as did confront the citizens who toil for their living by the sweat of their brows some twenty years ago. Any one who has been a close observer or even has taken the trouble to casually look over the ground, will readily understand the great opposition that has come into the field against labor during the past twenty years."

"In the American trade union movement I have learned the lesson of the organized wage earners of the civilized world, made up, as we are intending to do in this Territory, of the sons and daughters of the men of toil in the various civilized countries. The organized labor believes in the general uplifting of humanity to voice its sentiments, to help and to organize in order that their homes and living conditions may be better and also to help to eliminate the conditions that surround them."

"Organized labor is striving forward for the very highest principles that exist in every man. It is the belief of organized labor that the human race is entitled to the very highest pinnacles of uplift that it is possible to attain, and if it does this, I feel certain when we have passed away out of this world that we have done as best we could and all that we could in our humble way to better the conditions for our fellowmen and our children to come hereafter. The time will come when the people will understand what organized labor means. Its purpose is not to build up to use violence or to destroy the properties of others, but it is built up to protect itself from the encroachment of special interests, to make its members better citizens and to help in all possible ways, to elevate their morals and social standings."

"In unionism there is no place for radical questions which have tended to set men and women of different nationalities against each other, but the heart will beat in one common sympathy when one portion of humanity is placed at disadvantage."

"The manufacturers, merchants, builders, exchangers, boards of commerce, the governors and other kindred organizations of manufacturers, combined themselves into an organization, with the result that they were able as employers to contest every demand made upon them by the organized labor, and they were also able to overcome them by the great influence which they could bring to their support by the great corporations who were always in sympathy with them, whether they might be involved in a struggle with their employees or not. In that way they were able to make a fight against organized labor, and in that way they jeopardized the interests of the workmen and in every possible way kept the wages down to the oriental standard."

"It is true that the labor union will enter into the field of politics to struggle for the common people for equal rights, and to obtain some measure of equality from the special interests who respect no laws, either civil, social or moral."

"The serious question which is confronting this Territory of Hawaii at the present time in the Western States is the Asiatic question and that might bring in the very near future a commission form of government, if the people of this island do not improve their conditions. I believe The Advertiser will only be too glad to see that in order that the special interests which represent might have the government in their own hands."

"Above all it is the ambition of the organized labor to improve its conditions under which they live. The only hope they have of accomplishing this lies in the common people who earn their daily bread with the sweat of their brows, for since time immemorial whenever the opportunity was ripe, they have been willing to sacrifice their lives and their all in the cause of liberty and progress. The solution of the labor question lies in the hands of the wage earners and must be solved by their own inherent strength."

Very truly yours,
"DAVID EWALIKO."

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wanted a souvenir of some kind. The maiden fought to save her thumb, in her struggle receiving five other wounds from the case knife wielded by her loving assailant.

After she had fought herself free, the woman fled to the Filipino camp for safety and the man disappeared. Police officers captured him very shortly after the affair, however, and he was brought before Judge Wine of Hilo on Monday and committed to the grand jury. To the judge, Juan explained that he had become so crazed over the rejection of his love that he did not know what he was doing.

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"DAVID EWALIKO."

A Japanese working at the big railroad fill near Honouliuli for the Hilo Railroad Company, last week tumbled off the brink of the fill and fell head-first to the hard ground, thirty feet below. He was stunned for a few minutes and then walked home.

HONOHILO FILIPINO LOVED HER SO
MUCH HE CUT HER RIGHT THUMB OFF

Juan Bernado, a Filipino swain of the classic village of Honohilo, on the Hamakua coast, loved a Filipino maiden, with a love that was only limited in expression from the fact that the maiden failed to respond. All the wooing Juan could do elicited a nary a responding giggle. The offer of his hand and heart and a share in his time check was turned down cold. Whereupon, Juan seized the maiden of his heart's desire, dragged her into the sheltering cave and cut her thumb off. If he couldn't have the girl, he at least